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Date

Millicent A. Scarlett

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Lee Mizzen, Lawrence S. D. Anthony, Huacheng Bill Wu and Marvin Siegel

Application No. : 08/977,787

Filed : November 25, 1997

For : IMMUNE RESPONSES USING COMPOSITIONS CONTAINING STRESS PROTEINS

Examiner : Mary K. Zeman

Art Unit : 1643

Docket No. : 870109.412

Assistant Commissioner for Patents
Washington, DC 20231

DECLARATION UNDER 37 C.F.R. § 1.131

Assistant Commissioner:

We, Lee Mizzen, Lawrence S. D. Anthony, Huacheng Bill Wu and Marvin Siegel, do hereby declare that:

1. We are co-inventors of the subject matter described in the above-identified patent application ("subject application").
2. All of the work described within this Declaration was performed by ourselves or on our behalf and under our direction.
3. We have reviewed our laboratory records, including the Exhibit submitted herewith, and readily conclude that compositions of matter and methods, as claimed in the subject application, were conceived prior to January 1, 1996. Further, due diligence was exercised from this time period until the invention was actually reduced to practice.

4. Prior to January 1, 1996, we conceived of a fusion protein containing an antigen and a stress protein to induce a cell mediated cytolytic immune response against the antigen. Experiments by us confirmed that such a fusion protein could be prepared and used for *in vivo* immunization.

5. The following Exhibit (annexed hereto) represents laboratory notebook pages and material requisition forms kept in the regular course of business at StressGen Biotechnologies Corp. The dates have been removed from the copies submitted herewith. It is our understanding, based on discussions with assignee's representatives, that this is a permissible Patent Office practice. The Exhibit discloses the initiation of preparation of a fusion protein as described above.

6. In summary, upon review of our laboratory records, of which the enclosed pages are representative, we have concluded that, at least prior to January 1, 1996, we had conceived of the compositions of matter and methods as described and claimed within the subject application. Further our conception of the invention led to further research, diligently undertaken, resulting in an actual reduction to practice.

7. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of any patent issuing from this patent application.

May 11 / 00
Date

11 May 00
Date

Jan 5 / 00
Date

May 18, 2000
Date

Lee Mizzen
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